

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cr-109

- vs -

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

PIERRE O. COLQUITT,

Defendant.

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**REPORT AND RECOMMENDATIONS**

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On April 2, 2019, the Magistrate Judge issued an Order to Show Cause in which Defendant was ordered to show cause why he should not be sanctioned under Fed.R.Civ.P. 11 for persistent and repetitive filing of papers which contain nothing of substance, but repeated the phrase “Def Ex B who told the CI to meet him at 826 W. Pleasant St.” (ECF No. 246).

Petitioner responded the very next day with his Response to Order to Show Cause which does nothing more than repeat the same phrase and ask the Court to apply *Haines v. Kerner*, 404 U.S. 519 (1972), and “construe this response liberally.” Then on April 4, 2019, filed a Supplemental Response which repeats the Response contents verbatim (ECF No. 248). After his signature, Colquitt writes: “Y’all Welcome.”

Colquitt is either contemptuous regarding the Court’s concerns about his repetitive filings or unable to understand the waste of judicial resources his filings create. In either event, he has

not shown good cause why he should not be sanctioned. Fed.R.Civ.P. 11(c)(4) cautions the Court to adopt a sanction “limited to what suffices to deter repetition of the conduct. . . .” It is respectfully recommended that Mr. Colquitt be prohibited from filing any paper in this case without the prior permission of the assigned Magistrate Judge and the Clerk be instructed to refuse for filing from Colquitt any paper which has not been thus approved.

April 5, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge

#### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party=s objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).